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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/912,133

07/24/2001

Chih-Chuan Yen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PIERRE, MYRIAM

ART UNIT

PAPER NUMBER

2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/912,133	Applicant(s) YEN ET AL.	
	Examiner Myriam Pierre	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Remarks, filed 12/05/06, in reference to the Non-Final Rejection of 09/07/06.
2. Claims 4-10 are pending. Claims 4, 8-10 are independent claims.

Response to Arguments

1. Applicant's arguments filed 12/05/06 have been fully considered but they are not persuasive.

Applicant argues that there is no suggestion or motivation in either Allen (6,397,388) nor Junqua et al. (6,314,398). This argument is not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Allen and Junqua et al. would provide interactions with various modules of the channel selecting system. Applicant argues that the combination would exacerbate the communication aspect of Allen by causing inadvertent channel changes, this argument is not persuasive, because Allen teaches controlling of the channels of a set top box, and the establish control is already in the system (col. 4 lines 34-40, and col. 7 lines 62-67 and col. 8 lines 1-5), furthermore, Junqua et al. teach the speech

commands to control the system, thus providing vocal remote control over the system, col. 4 lines 31-41 and col. 3 lines 46-63.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-10 are rejected under 35 U.S.C. 103 as being obvious over Allen (6,397,388) in view of Junqua (6,314,398).

As to claim 4, Allen teaches

a microphone arranged on said remote control for enabling a user of said remote control to input said commands (col. 4 lines 34-40);

a further microphone for enabling further users of the system to input commands (col. 4 lines 34-40, and col. 7 lines 62-67 and col. 8 lines 1-5);

enabling the user to selectively designate which of said microphone and further microphone is to be used as a signal source (col. 7 lines 62-67 and col. 8 lines 1-5);

input designation means for enabling the user to selectively designate which of said microphone and further microphone is to be used as a signal source (col. 7 lines 63-67 and col. 8 lines 1-5).

Allen does not explicitly teach a speech processor for processing speech commands. However, Junqua do teach a speech processor for processing speech commands (col. 4 lines 31-41 and col. 3 lines 46-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the remote control for interactive television system of Allen into the speech understanding for interactive television of Junqua because Junqua teach that this would provide interactions with various modules of the channel selecting system, col. 3 lines 63-67.

As to claim 5, which depends on claim 4, Allen teaches input means from said microphone only (col. 7 lines 62-67 and col. 8 lines 1-5). Allen does not explicitly teach a speech processor for processing speech commands. However, Junqua do teach a speech processor for processing speech commands (col. 4 lines 31-41 and col. 3 lines 46-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the remote control for interactive television system of Allen into the speech understanding for interactive television of Junqua because Junqua teach that this would provide interactions with various modules of the channel selecting system, col. 3 lines 63-67.

As to claim 6, which depends on claim 4, Allen teaches input designation means controls the processor from said further microphone only (col. 7 lines 62-67 and col. 8 lines 1-5).

Allen does not explicitly teach a speech processor for processing speech commands.

However, Junqua do teach a speech processor for processing speech commands (col. 4 lines 31-41 and col. 3 lines 46-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the remote control for interactive television system of Allen into the speech understanding for interactive television of Junqua because Junqua teach that this would provide interactions with various modules of the channel selecting system, col. 3 lines 63-67.

As to claim 7, which depends on claim 4, Allen teaches
input designation means controls the processor from both said microphone and said further microphone, said microphone having priority over said further microphone (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

Allen does not explicitly teach a speech processor for processing speech commands.

However, Junqua do teach a speech processor for processing speech commands (col. 4 lines 31-41 and col. 3 lines 46-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the remote control for interactive television system of Allen into the speech understanding for interactive television of Junqua because Junqua teach that this would provide interactions with various modules of the channel selecting system, col. 3 lines 63-67.

As to claim 8, Allen teaches
a microphone for enabling a user of said control to input commands (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

input designation means for enabling the user to selectively designate said microphone (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

Allen does not explicitly teach a speech processor for processing speech commands.

However, Junqua do teach a speech processor for processing speech commands (col. 4 lines 31-41 and col. 3 lines 46-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the remote control for interactive television system of Allen into the speech understanding for interactive television of Junqua because Junqua teach that this would provide interactions with various modules of the channel selecting system, col. 3 lines 63-67.

As to claim 9, Allen teaches

a further microphone arranged on said apparatus for generating commands for said apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5);

an input designation means for enabling the user to selectively designate which of said microphone and said further microphone is to be used as a signal source to speech processor (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5);

Allen does not explicitly teach a speech processor for processing speech commands.

However, Junqua do teach a speech processor for processing speech commands (col. 4 lines 31-41 and col. 3 lines 46-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the remote control for interactive television system of Allen into the

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speech understanding for interactive television of Junqua because Junqua teach that this would provide interactions with various modules of the channel selecting system, col. 3 lines 63-67.

As to claim 10, Allen teaches

transmitting commands to the apparatus from a microphone included in a remote control for controlling the apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5);

transmitting further commands to the apparatus from a further microphone included in the apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

selectively designating which of said commands and said further command is to be used as a speech input for said apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

processing the selected command for controlling said apparatus (col. 4 lines 34-46, col. 7 lines 62-67 and col. 8 lines 1-5).

Allen does not explicitly teach a speech processor for processing speech commands.

However, Junqua do teach a speech processor for processing speech commands (col. 4 lines 31-41 and col. 3 lines 46-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the remote control for interactive television system of Allen into the speech understanding for interactive television of Junqua because Junqua teach that this would provide interactions with various modules of the channel selecting system, col. 3 lines 63-67.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to

whose telephone number is 571-272-7611. The examiner can normally be reached on Monday – Friday from 8:30-5:30p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

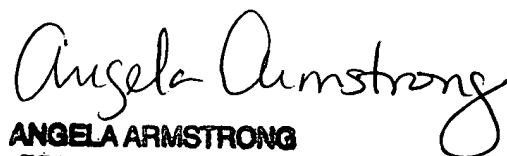
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Myriam Pierre MP

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2/2/07


ANGELA ARMSTRONG
PRIMARY EXAMINER